

BILL LOCKYER, Attorney General  
of the State of California  
GAIL M. HEPPELL,  
Supervising Deputy Attorney General  
STEPHEN M. BOREMAN, State Bar No. 161498  
Deputy Attorney General  
California Department of Justice  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 445-8383  
Facsimile: (916) 327-2247

Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ELIZABETH O' BRIEN CARROLA, P.T.  
525 Almer Road, #130  
Burlingame, CA 94101

Physical Therapist No. PT 2479

Respondent.

Case No. 1D-2002-63202

OAH No. N2006010011

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
above-entitled proceedings that the following matters are true:

**PARTIES**

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical  
Therapy Board of California. He brought this action solely in his official capacity and is  
represented in this matter by Bill Lockyer, Attorney General of the State of California, by  
Stephen M. Boreman, Deputy Attorney General.

2. Respondent Elizabeth O' Brien Carrola, P.T. (Respondent) is represented  
in this proceeding by attorney Lauren M. S. Bolfango, whose address is Bolfango & McKown,  
LLP, 235 Montgomery Street, Suite 725, San Francisco, CA 94104.

3. On or about November 5, 1969, the Physical Therapy Board of California

1 issued Physical Therapist license No. PT 2479 to Elizabeth O' Brien Carrola, P.T. (Respondent).  
2 The Therapist license was in full force and effect at all times relevant to the charges brought in  
3 Accusation No. 1D-2002-63202 and will expire on January 31, 2008, unless renewed.

#### 4 JURISDICTION

5 4. Accusation No. 1D-2002-63202 was filed before the Physical Therapy  
6 Board of California (Board), Department of Consumer Affairs, and is currently pending against  
7 Respondent. The Accusation and all other statutorily required documents were properly served  
8 on Respondent on June 6, 2005. Respondent timely filed her Notice of Defense contesting the  
9 Accusation. A copy of Accusation No. 1D-2002-63202 is attached as Exhibit A and  
10 incorporated herein by reference.

#### 11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and  
13 understands the charges and allegations in Accusation No. 1D-2002-63202. Respondent has also  
14 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
15 Settlement and Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the  
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
18 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
19 the right to present evidence and to testify on her own behalf; the right to the issuance of  
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
21 reconsideration and court review of an adverse decision; and all other rights accorded by the  
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
24 each and every right set forth in Paragraph 6 above.

#### 25 CULPABILITY

26 8. Respondent admits that there is a factual basis for the charges and  
27 allegations in the First Cause for Discipline in Accusation No. 1D-2002-63202, which could be  
28 proven at an administrative hearing.

9. Respondent accepts that her Physical Therapist license may be subject to discipline and agrees to abide by the Board's terms and conditions as set forth in the Disciplinary Order herein below.

### CIRCUMSTANCES IN MITIGATION

10. Respondent Elizabeth O' Brien Carrola, P.T. has never been the subject of any disciplinary action. She is accepting responsibility at an early stage in the proceedings.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Physical Therapy Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physical Therapist No. PT 2479 issued to Respondent Elizabeth O' Brien Carrola, P.T. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

14. LICENSE SUSPENSION As part of probation, respondent's license shall

be suspended for 7 days, beginning thirty (30) days following the effective date of this decision.

15. RESTRICTION OF PRACTICE - HOME CARE The respondent shall not provide physical therapy services in a patient's home.

16. RESTRICTION OF PRACTICE - PROHIBITION OF DIRECT INSURANCE BILLING Respondent shall not have final approval over any billings submitted to any third-party payors in any employment as a physical therapist.

17. RESTRICTION OF PRACTICE - PRACTICE AND BILLING MONITORING Within 30 days of the effective date of this decision, respondent shall submit to the Board or its designee for its prior approval a plan of practice in which respondent's practice and the billing for her practice shall be monitored by a physical therapist, licensed to practice in the State of California, who shall provide periodic reports to the Board or its designee.

18. If the monitor resigns or is no longer available, respondent shall, within 15 days, move to have a new monitor appointed, through nomination by respondent and approval by the Board or its designee.

19. RESTRICTION OF PRACTICE - CLINICAL INSTRUCTOR of PHYSICAL THERAPY STUDENT INTERNS or FOREIGN EDUCATED PHYSICAL THERAPY LICENSE APPLICANTS PROHIBITED. Respondent shall not supervise any physical therapy student interns or foreign educated physical therapy applicants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

20. RESTRICTION OF PRACTICE - NO EMPLOYMENT OR SUPERVISION OF PHYSICAL THERAPY AIDES Respondent shall not supervise any physical therapy aides during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

21. NOTICE TO PATIENTS Respondent shall provide notice to all patients that state and federal law permit release of protected health information to health oversight agencies or for health oversight activities to include audits, civil, administrative or criminal investigations; censures or disciplinary actions, and for similar reasons related to

1 health care administration.

2                   22.     EDUCATION COURSE Within 30 days of the effective date of this  
3 decision, respondent shall submit to the Board or its designee for prior approval, an education  
4 course in Ethics and Billing of not less than 20 hours. Respondent shall supply documentation  
5 verifying satisfactory completion of the coursework, signed by the instructor(s) of the course(s)  
6 and evidence, if applicable, of passing grades on exams or test given by the instructor.

7                   23.     PROBATION MONITORING COSTS All costs incurred by the Board  
8 for probation monitoring during the entire period of probation shall be reimbursed by respondent.  
9 Respondent will be billed at least quarterly. Failure to make the ordered reimbursement within  
10 60 days of the billing shall constitute a violation of the probation order. In addition to the filing  
11 of an Accusation or the issuance of an administrative citation, the filing of criminal charges shall  
12 be sought when appropriate.

13                   24.     COST RECOVERY The respondent is ordered to reimburse the Board the  
14 actual and reasonable investigative prosecutorial costs incurred by the Board in the amount of  
15 \$6,130. Said costs shall be reduced, however, and the remainder of \$3,130 forgiven, if, within  
16 60 days from the effective date of this decision, respondent reimburses the Board in the amount  
17 of \$3,000. In the event Respondent fails to pay the costs of \$3,000 within the 60 days from the  
18 effective date of this decision, the full costs of \$6,130 shall be immediately due and payable.  
19 Failure to pay the ordered reimbursement, may constitute a violation of the probation order. The  
20 filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to  
21 reimburse the Board. If Respondent is in default of his responsibility to reimburse the Board, the  
22 Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or  
23 by any other means of attachment of earned wages legally available to the Board. Failure to  
24 fulfill the obligation could also result in attachment to Department of Motor Vehicle registrations  
25 and or license renewals.

26                   25.     OBEY ALL LAWS Respondent shall obey all federal, state and local  
27 laws, and statutes and regulations governing the practice of physical therapy in California.

28                   26.     COMPLIANCE WITH ORDERS OF A COURT The respondent shall be

1 in compliance with any valid order of a court. Being found in contempt of any court may  
2 constitute a violation of probation.

3 27. QUARTERLY REPORTS Respondent shall submit quarterly  
4 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
5 been compliance with all the conditions of probation.

6 28. PROBATION MONITORING PROGRAM COMPLIANCE Respondent  
7 shall comply with the Board's probation monitoring program as set forth above.

8 29. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent  
9 shall appear in person for interviews with the Board, or its designee, upon request at various  
10 intervals and with reasonable notice.

11 30. NOTIFICATION OF PROBATIONARY STATUS TO EMPLOYERS  
12 The respondent shall notify all present or future employers of the reason for and the terms and  
13 conditions of the probation by providing a copy of the Accusation and the decision and order  
14 (stipulated settlement) to the employer. The respondent shall obtain written confirmation from  
15 the employer that the documents were received. If the respondent changes employment or  
16 obtains additional employment, the respondent shall provide the above notification to the  
17 employer and submit written employer confirmation to the Board within 10 days. The  
18 notification(s) shall include the name, address and phone number of the employer, and, if  
19 different, the name, address and phone number of the work location.

20 31. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The  
21 respondent shall notify the Board, in writing, of any and all changes of name or address within  
22 ten (10) days.

23 32. RESTRICTION OF PRACTICE - TEMPORARY SERVICES  
24 AGENCIES The respondent shall not work for a temporary services agency or registry.

25 33. PROHIBITED USE OF ALIASES Respondent may not use aliases and  
26 shall be prohibited from using any name which is not her legally-recognized name or based upon  
27 a legal change of name.

28 34. WORK OF LESS THAN 20 HOURS PER WEEK If the respondent

works less than 192 hours in a period of three months, those months shall not be counted toward satisfaction of the probationary period. The respondent shall notify the Board if her works less than 192 hours in a three month period.

35. TOLLING OF PROBATION The period of probation shall run only during the time respondent is practicing within the jurisdiction of California. If, during probation, respondent does not practice within the jurisdiction of California, respondent is required to immediately notify the probation monitor in writing of the date that respondent's practice is out of state, and the date of return, if any. Practice by the respondent in California prior to notification to the Board of the respondent's return will not be credited toward completion of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.

36. VIOLATION OF PROBATION If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

37. CESSATION OF PRACTICE DUE TO RETIREMENT, HEALTH OR OTHER REASONS Following the effective date of this probation, if respondent ceases practicing physical therapy due to retirement, health or other reasons, respondent may request to surrender her license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable, the respondent makes application for the renewal of the tendered license or makes application for a new license.

38. COMPLETION OF PROBATION Upon successful completion of probation, respondent's license shall be fully restored.

1                   39.     WRITTEN EXAM ON THE LAWS & REGULATIONS GOVERNING  
2 THE PRACTICE OF PHYSICAL THERAPY Within 90 days of the effective date of this  
3 decision, respondent shall take and pass the Board's written examination on the laws and  
4 regulations governing the practice of physical therapy in California. If respondent fails to pass  
5 the examination, respondent shall be suspended from the practice of physical therapy until a  
6 repeat examination has been successfully passed.

7                   40.     PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE  
8 ON PROBATION It is not contrary to the public interest for the respondent to practice or  
9 perform physical therapy under the probationary conditions specified in the disciplinary order.  
10 Accordingly, it is not the intent of the Board that this order, the fact that respondent has been  
11 disciplined, or that respondent is on probation, shall be used as the sole basis for any third party  
12 payor to remove respondent from any list of approved providers.

13   ACCEPTANCE

14                   I have carefully read the above Stipulated Settlement and Disciplinary Order and  
15 have fully discussed it with my attorney, Lauren M. S. Bolfango. I understand the stipulation and  
16 the effect it will have on my Physical Therapist license. I enter into this Stipulated Settlement  
17 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
18 Decision and Order of the Physical Therapy Board of California.

19 DATED: March 9, 2006.

20   Original Signed By:  
21   ELIZABETH O' BRIEN CARROLA, P.T.  
22   Respondent

23                   I have read and fully discussed with Respondent Elizabeth O' Brien Carrola, P.T.  
24 the terms and conditions and other matters contained in the above Stipulated Settlement and  
25 Disciplinary Order and approve it as to form.

26 DATED: March 13, 2006.

27   Original Signed By:  
28   LAUREN M. S. BOLFANGO  
  Attorney for Respondent



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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: March 20, 2006.

BILL LOCKYER, Attorney General  
of the State of California

Original Signed By:  
STEPHEN M. BOREMAN  
Deputy Attorney General  
Attorneys for Complainant



**Accusation No. 1D-2002-63202**

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ELIZABETH O'BRIEN CARROLA, P.T.  
525 Almer Road, #130  
Burlingame, CA 94101

Physical Therapist No. PT 2479

Respondent.

Case No. 1D-2002-63202

OAH No. N2006010011

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 15, 2006.

It is so ORDERED April 14, 2006.

Original Signed By: Donald A. Chu, PhD, PT, President  
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS